

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Sarah E Leyva

Suis Juvis

Case No. _____

3:21cv313

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Nicolas R Leyva, Mary Beth Adcock, Lyndsay Newell, Christina Borum, Stephania Holan, Patricia Bennet, Judith Wells, David Evans, R.H. Wallace, Randy Catterton, Cheryl Lopez, Tracy Kemp

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Sarah E Leyva
Street Address	2804 Edgewood Ave (do not share with opposing)
City and County	Richmond
State and Zip Code	Virginia 23002
Telephone Number	8049128086
E-mail Address	sarah@ocmm.us

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name	Nicolas R Leyva
Job or Title (<i>if known</i>)	IT Top Security Clearance; Northrop Grumman Irving
Street Address	6800 Fair Meadows Dr.
City and County	North Richland Hills; Tarrant
State and Zip Code	Texas 76182
Telephone Number	7032316166
E-mail Address (<i>if known</i>)	nick.leyva1@gmail.com

Defendant No. 2

Name	Mary Beth Adcock
Job or Title (<i>if known</i>)	FAA Dallas - also a gov clearance employee
Street Address	7320 Cottonwood Ct.
City and County	North Richland Hills; Tarrant
State and Zip Code	Texas 76182
Telephone Number	8177919594
E-mail Address (<i>if known</i>)	bethadcock50@gmail.com

Defendant No. 3

Name	Lyndsay Newell
Job or Title (<i>if known</i>)	Attorney; Newell Law PLLC
Street Address	4117 Shannon Dr.
City and County	Fort Worth; Tarrant
State and Zip Code	Texas 76116
Telephone Number	?
E-mail Address (<i>if known</i>)	lnewell@newellfamilylaw

Defendant No. 4

Name	Christina Borum
Job or Title (<i>if known</i>)	attorney - Borum Lawfirm
Street Address	1200 W Magnolia Ave unit 220
City and County	Fort Worth; Tarrant
State and Zip Code	Texas 76104
Telephone Number	8174209074
E-mail Address (<i>if known</i>)	cborum@borumlawfirm.com

Additional Defendants

Defendant No. 5: Stephanie Holan

Name Job or Title (if known): attorney; Holan Law PLLC

Street Address: 3444 Purdue Ave

City and County: Dallas

State and Zip Code: 75225

Telephone Number E-mail Address (if known):

Defendant No.6: Patricia Bennet (operated outside of lawful immunity)

Name Job or Title (if known): Judge; 360th court Tarrant County

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

Defendant No.7: Judith Wells (operated outside of immunity)

Name Job or Title (if known): Judge 325th court Tarrant County

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

Defendant No.8: David Evans (operated outside of lawful immunity)

Name Job or Title (if known): Judge; 48th administrative court Tarrant County

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

Defendant No.9: R.H. Wallace (operated outside of lawful immunity)

Name Job or Title (if known): Judge; 48th administrative court Tarrant County

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

Defendant No.10: Randy Catterton (operated outside of immunity)

Name Job or Title (if known): RETIRED judge operated for 360th court Tarrant County

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

Defendant No.11: Cheryl Lopez

Name Job or Title (if known): District Clerk 325th court

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

Defendant No. Tracy Kemp: (operated outside of immunity)

Name Job or Title (if known): district clerk 48th court

Street Address:

City and County:

State and Zip Code:

Telephone Number E-mail Address (if known):

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

attached separately

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Sarah E Leyva, is a citizen of the State of *(name)* Virginia.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* Nicolas R Leyva, is a citizen of the State of *(name)* Texas. Or is a citizen of *(foreign nation)*.

A. If the Basis for Jurisdiction Is a Federal Question List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case:

- 1: perjury: TPC 37.02 & 03 "Aggravated" felony of the 3rd degree
- 2: intentional contract interference
- 3: intentional parental rights violations
- 4: lying under oath in a court of law
- 5: extreme parental alienation and intentional infliction of emotional distress
- 6: RICO collaboration between Nicolas Leyva, Lyndsay Newell, Catherine Borum, Mary Beth Adcock, Stephanie Holan, and "civil servants" of Tarrant County Texas.

Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties. *Wahl v. Round Valley Bank* 38 Ariz, 411, 300 P. 955(1931), *Tube City Mining & Milling Co. v. Otterson*, 16 Ariz. 305, 146p 203(1914); and *Millken v. Meyer*, 311 U.S. 457, 61 S. CT. 339, 85 L. Ed. 2d 278 (1940).

- 1: Defective petition filed. *Brown v. VanKeuren*, 340 Ill. 118, 122 (1930).
 - 2: Fraud committed in the procurement of jurisdiction, *Fredman Brothers Furniture v. Dept. of Revenue*, 109 Ill. 2d 202, 486 N.E. 2d 893(1985)
 - 3: Fraud upon the court, *In re Village of Willowbrook*, 37 Ill, App. 3d 393(1962) 4: A judge does not follow statutory procedure, *Armstrong v. Obucino*, 300 Ill 140, 143 (1921)
 - 4: Unlawful activity of a judge, *Code of Judicial Conduct*.
 - 6: Violation of due process, *Johnson v. Zerbst*, 304 U.S. 458, 58 S.Ct. 1019; *Pure Oil Co. v. City of Northlake*, 10 Ill.2d 241, 245, 140 N.E. 2d 289 (1956); *Hallberg v Goldblatt Bros.*, 363 Ill 25 (1936); (8)
- If the court exceeded it's statutory authority. *Rosenstiel v. Rosenstiel*, 278 F. Supp. 794 (S.D.N.Y. 1967)
- 7: Acts in violation of 11 U.S.C. 362(a), *In re Garcia*, 109 B.R. 335 (N.D> Illinois, 1989). 8: Where no justiciable issue is presented to the court through proper pleadings, *Ligon v. Williams*, 264 Ill. App 3d 701, 637 N.E. 2d 633 (1st Dist. 1994)
 - 8: Where a complaint states no cognizable cause of action against that party, *Charles v. Gore*, 248 Ill App. 3d 441, 618 N.E. 2d 554 (1st. Dist. 1993)
 - 9: Where service of process was not made pursuant to statute and Supreme Courth Rules, *Janove v. Bacon*, 6 Ill. 2d 245, 249, 218 N.E. 2d 706, 708 (1953)
 - 10: When the rules of the Circuit court are not complied with.
 - 11: When the local rules of the special court are not complied with. (One Where the judge does not act impartially, *Bracey v. Warden*, U.S. Supreme Court No. 96-6133(June 9, 1997)

The laws covering judges and other public officials are to be found at 5 U.S.C. 3331, 28 U.S.C. 543 and 42 U.S.C. 1983 and if the judge has not complied with all of those provisions, he is not a judge but a trespasser upon the court. If he is proven a trespasser upon the court (upon the law) not one of his judgments, pronouncements or orders are valid. All are null and void

Notification of laws & statutes which apply conspiring, assisting, and abetting Nicolas R Leyva in child kidnapping, trafficking, hiding, and harboring of Joshua R Leyva & Samuel D Leyva VA state citizens under LAWFUL custody of natural biological mother Sarah E Leyva; protected by IRREVOCABLE MEDIATED SETTLEMENT for monetary gain as outlined in USC 18 1591 (sex trafficking children, or by FORCE, FRAUD, or COERCION under guise of sham, unconstitutional, & unlawful final order as outlined by federal law & Texas statutes due to extrinsic and intrinsic fraud. Applicable points of reference include but are not limited to TX 312.011(16), Pleadings & Practice Forms, Affidavits SS 41-55, UCC 2 S 203 Rule 60(b) under FRCP Rule 44(1)(a), Title 18 USC S, FRE Rule 706, 36 Tex.Jur.2d 475, Libel & Slander Sec. 149, FRCP Rules 60(b)(3); (b)(4), Evidence Act (1906), TX Penal Code 37.10, Title 5 USC S7311, 18 USC SS 2,3,4,241,242,245,371, 654, 666, 1001, 1341, 1346, 1501, 1503, 1509, 1621, 1622, 1623, 1918, 1951, 2071, 2283, 2381, 2382,2384, 2385; 42 USC SS 602(402) - F.R.C.P. Rule 60(b); CHAPTER 63 SS 1341- frauds (251 F.3d 132-33), UCC-1 SS 103-203, UCC-3 SS 501, UCC-9 SS 209,210 & 42 USC SS 601-651 and many more.. In addition; ANY and ALL PARTIES who fail to uphold the law or seek to prevent the safe return of Joshua & Samuel Leyva are committing a felony US 18 4.

All laws which are repugnant to the Constitution are null and void. "Marbury vs. Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

1st, 4th, 5th, 6th, 7th, 9th, organic 13th and 14th amendment; Bill of Rights Article 1 & 2, 11th amendment. 18 Section 5033 which prohibits the taking of any child away from its natural parent without a hearing in court of COMPETENT jurisdiction and any/one who violated this provision has NO IMMUNITY from liability from both criminal and civil penalties.

Title 18 U.S.C. section 242 – Deprivation of Rights Under Color of Law Violations, title 42 u.s.c section 14141- PATTERN AND PRACTICE, title 18 U.S.C. section 421 – CASE LAW.

Bill of Rights Article 1; section 30 "Rights of Crime Victims"

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

I would not know how to put a \$ amount for the never ending trauma, grief, constitutional violations, human rights violations, and extensive legal abuse we have endured. That we are continuing to endure. Whatever the federal funding average is for each child in the system for the state of Texas. I want that amount for every month I've lost with them from EACH PERSON for each child.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Tarrant County Texas; Family Law Center

-
- B. What date and approximate time did the events giving rise to your claim(s) occur?
August 2018 to present
-

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Attached seperately

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

3rd degree perjury
child kidnapping & trafficking
intentional breach of contract
intentional infliction of emotional trauma
intentional legal abuse
intentional psychological manipulation; gaslighting
intentional extreme judicial treason against the constitution
as of now 475 days since the last time I saw my children
every aspect of my life, mind, emotions, career, heart; has been violently raped over and over and over again.
Nothing can make up for the seperation of my boys and gorilla warefare tactics I have endured.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I request the court to IMMEDIATELY intervene to return Joshua and Samuel Leyva safely back to Virginia; to the rightful custody of myself as determined by our IRREVOCABLE MEDIATED SETTLEMENT; I request the court to order consequences to the fullest extent possible of the law for each and every defendant; this crime is still occurring and every person named as a defendant has been provided full knowledge of federal law, Texas statutes, Bill of Rights, ect... with specific Supreme Court Case decisions to reference.

Punitive money damage is beyond my ability to calculate. Travel, IRS fraud garnishment, wage garnishment, backed child support, attorney fees, court fees, job income loss, extreme emotional trauma, extreme mental trauma to point of physical traumatic brain injury, extreme trauma of being completely erased from my children; what is the price tag on that? 8 million? that's what I saw for a similiar case.

III: C:

What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Timeline: Tarrant County Texas Interstate Kidnapping and Trafficking of Virginia State Children protected by IRREVOCABLE MEDIATED SETTLEMENT: Sarah Leyva In regards to Joshua (9 now 10) & Samuel Leyva (8 now 9)

1: 2010 Nicholas & I moved to VA – He was in VA National Guard. Wedding, births of both children, and almost the entirety of the marriage was in VA.

2: End of 2014 Nicholas moved entire family to TX to “save marriage”

3: Nicholas waited exactly 6 months to ensure TX jurisdiction and then filed for divorce

4: January 29th 2016 we settled with an IRREVOCABLE MEDIATED SETTLEMENT which Nick signed of his own volition; I was granted full primary and geographical custody & he was able to hide his finances and make minimal CS payments (less than half TX standard)

5: April 2016 the children and I returned home to VA

6: August 21 2018 Lyndsay Newell filed “Motion for Enforcement” in which she 3rd degree perjury and intentionally manipulated the wording of our IRREVOCABLE MEDIATED SETTLEMENT “It is ordered that the primary residence of the children shall Birdsville ISD... ect” (unless modified by court order)

7: August 21 2018 Lyndsay Newell filed “Petition to Modify Child-parent Relation” in which she REQUESTED geographical restrictions to be added and modified to the courts to restrict residence within Birdsville ISD; Attached affidavit filled with VICIOUS lies which attacked my integrity and person on every level possible Affidavit was not even notarized and therefore should not have be admissible

8: August 22 2018 – first amended petition to modify (amendments were continuous)

9: Oct 9 2018 Jurisdiction Trial: Judge Patricia Bacca Bennett Bennett was blatantly bias and argued as if she was Nick’s attorney Attacked me on a personal level and continuously accused me of kidnapping Took “judicial notice” of arbitration agreement; acknowledged geographical custody Refused rightful home state jurisdiction (she didn’t think I knew how to co-parent) Refused to allow Nick to be cross-questioned by my attorney

10: Lyndsay Newell filed discovery; this “discovery” had almost nothing to do with the children and simply was asking for a list of every single person I told about the case. This included representative, facebook posts, politicians, ect...

11: February 22 2019 Final Trial RETIRED (2013) Judge Randy Catterton Was called in because I had been exposing Bennett and he stated over and over how he didn’t read ANYTHING and knew nothing about the case; and with extreme bias “requested” Lyndsay Newell fill him in Nicolas & Lyndsay Newell committed extensive perjury without any evidence to back their claims; even to extent Newell blatantly lied to the judge’s face stating I “refused” to take my drug tests whilst holding my negative results in her hand (mention details- no witnesses or evidence was permissible on my behalf) NO FAULT FOUND:

Catterton awarded FULL custody and all parenting decisions to Nicolas Leyva – I REFUSED to sign the unlawful order

12: I filed for an appeal – and multiple motions (every single one was ignored) yet Lyndsay Newell filed motion to sign which was given an almost immediate trial. I had hired a new attorney by this point Stephanie Holan and she found a mistake in the paperwork delaying signing for 3 days.

13: Stephanie Holan CANCELED/REFUSED my appeal; she stated I didn't know the law and that nothing "illegal happened to me" She took wage for disservice and "abandoned affiant at the bar" whilst keeping me calm, silent, and placated assuring me they had no ground to take my children.

14: Nov 2019 (according to records) Nick Leyva filed pro se for a VA ex-parte order in Amelia Courthouse VA under judge Valentine Southall jr. (I had ZERO KNOWLEDGE of this)

15: January 27th 2020 Judge Patricia Bennett (supposed modification on my behalf) Motion immediately dropped Newell requested Habious Corpus within court room; granted I was held and threatened with imprisonment until they got ahold of the children Bennett made a call to VA and asked a "favor" for the BRUTAL POLICE kidnapping of the children; to have them sit with strangers until picked up by Mary Beth Adcock and trafficked to the state of TEXAS. Bennett then IMMEDIATELY recused herself Judge Navarez refused to arrest me – dropped Habious Corpus Somehow in all of this I lost ALL visitation except 1 supervised within the courts

16: 2020 – Lyndsay Newell filed under Judge Wells 325 over 30 violations for speaking out requesting 6 months per violation to cover up the extreme fraud and child trafficking

17: March 2021 Judith Wells Hearing To Seal Records - Borum ADMITS to perjury in procurement of final order. Full judicial collusion child trafficking and blatant bias on behalf opposing.

https://drive.google.com/file/d/1s88CQ5056n4Uc9Y0ucS0MDN6_3cWtgSY/view?fbclid=IwAR2uUPAQGMNGjXMBQAF9OmZK_HibZCkxGtSNOyotjoAyc7WmJ85Ec0tDpk

Outcome: I must submit an address for "enforcement".

Some records will be sealed; I'm not told which ones

18: April 2021 David Evans Hearing to Recuse Wells: - full collusion child trafficking and acknowledgement of 3rd degree perjury; blatant bias on behalf of opposing.

https://drive.google.com/file/d/18CULUu_G-nv-DJwIc842YMGTGhH7e3V7/view?fbclid=IwAR0gJ7DTxEpKNtessTuhJFGZ6UyY6IEN4LSqmjbAsX52QUuJR1u-gNT0yC0

Outcome: does not recuse Wells and grants ZERO relief for myself and boys.

19: May 2021 RH. Wallace 2nd Hearing to Recuse Wells: full collusion child trafficking and acknowledgement of 3rd degree perjury; blatant bias on behalf of opposing

<https://drive.google.com/file/d/1WY45ISg3trRJ5KrrgxIQKwTclZGcCSUh/view?fbclid=IwAR21GuouS7X1eGtXpS6y0ZNHMeYVgAFsfZlpJ1Rnat2DhSIWJso5VvYb2vA>

Outcome: Does not recuse Wells and grants ZERO relief for myself and the boys.

Both Tracy Kemp & Cheryl Lopez are included as defendants because they have operated in full collusion with the judiciary and the opposing party. They have personally communicated with extreme bias on behalf of opposing; knowingly giving them special treatment. This includes email communication to set hearings; and communication of consistent unlawful orders. District Clerks are called to a lawful code of conduct which neither Kemp nor Lopez have followed; as "civil servants" they are also committing treason against the American Public

As of now my children are still being held hostage and every level of Texas government has failed to do anything to alleviate our situation. Actually; I'm almost certain the State Commission, Attorney General, and TX Rangers are in collusion. Over 125 staff members and various agencies have been contacted over and over again and refuse to intervene in any way.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

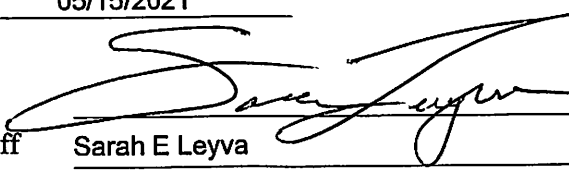
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 05/15/2021

Signature of Plaintiff

Printed Name of Plaintiff


Sarah E Leyva

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____